

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 1208 of 2005

Between:

B.Lali Reddy S/o.B.Srinivas Reddy, Attender,
District Co-operative Audit Office, Krishna Nagar, Kurnool.

..... PETITIONER

AND

- 1 State of A.P., represented by its Secretary, Co-operative Department, Secretariat, Hyderabad.
- 2 The District Co-operative Officer, Kurnool.
- 3 The Divisional Co-operative Officer, Kurnool.
- 4 The District Co-operative Audit Officer, Krishna Nagar, Kurnool.
- 5 The District Collector, Kurnool District Kurnool.
- 6 The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampally, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of Writ of Mandamus, to declare the order Dt.1.4.2003 passed by the Hon'ble A.P. Administrative Tribunal, Hyderabad in O.A. No.1866/2003 is so far as not granting specific direction to the respondents for considering the case of the petitioner for promotion to the post of Junior Assistant in a suitable place as illegal, arbitrary, unjust and contrary to the provisions of G.O.Ms.No.261 Dt.14.7.1995 and Section 47 (2) of the persons with Disabilities (Equal opportunities etc.) Act 1995 and consequently direct the respondents to promote the petitioner to the post of Junior Assistant in a suitable place.

Counsel for the Petitioner: MR.J.JANAKIRAMI REDDY

Counsel for the Respondents: GP FOR SERVICES I

The Court at the stage of admission made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.1866 of 2003, dated 1.4.2003.

2. The Tribunal disposed of the above OA with the following directions:

“No doubt, Section 47(2) of ‘The Persons with Disabilities (equal opportunities, protection of rights and full participation) Act, 1955 reveals that no promotion shall be denied to a person merely on the ground of his disability. There itself, there is a proviso. The proviso reads that the appropriate Government may having regard to the type of work carried on in any establishment, by notification and subject to such conditions if any as may be specified in such notification, exempt any Establishment from the provisions of this Section. The remarks further say that the grant of such exemption shall be decided by an inter Departmental Committee constituted in GO.Ms.No.18, Women Development & Child Welfare (WH Desk) Department, dated 1.3.1994. If that is so, the respondents are directed to request the inter Departmental Committee constituted in G.O.Ms.No.18 referred to supra to obtain proper exemption to the applicant. This exercise shall be completed as expeditiously as possible. I do not like to fix a certain time for the reason that they have to make efforts where the services of the applicant could be utilized even after such exemption. But, in all fairness, they should take steps to get such exemption within a reasonable time. Hoping that such exemption would be obtained within a reasonable time, the OA is accordingly disposed of.”

3. It is the case of the petitioner that so far the orders of the Tribunal have not been implemented and as a result his juniors were promoted as Junior Assistants and therefore the positive directions ought to have been issued by the Tribunal in this regard.

4. We have heard the learned Government Pleader for Services-I. He has categorically stated that the Commissioner for Co-operation and Registrar of Co-operative Societies, A.P. Hyderabad in his Memo L.Dis.No.17331/2003-E1-10, dated 20.1.2005 has requested the Joint Registrar/District Co-operative

Officer, Kurnool to refer the case to the District Collector and accordingly the case was referred to the District Collector, Kurnool and the same is pending. The learned Government Pleader further submits that as the matter is seized by the Collector, appropriate orders would be passed shortly.

5. Keeping in view the submissions made by the learned Government Pleader and also the fact that the order was passed two years back by the Tribunal, it is just and necessary that the orders of the Tribunal shall be complied with within a period of two (02) months from today and the same shall be communicated to the petitioner without any further delay.

6. The Writ Petition is disposed with the above direction. No costs.

(G.BIKSHAPATHY, J.)

3rd March, 2005.

(P.S.NARAYANA, J.)

SSR

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

- 1 The Secretary, Co-operative Department, State of A.P., Secretariat, Hyderabad.
- 2 The District Co-operative Officer, Kurnool.
- 3 The Divisional Co-operative Officer, Kurnool.
- 4 The District Co-operative Audit Officer, Krishna Nagar, Kurnool.
- 5 The District Collector, Kurnool District Kurnool.

6 The Commissioner for Cooperation and Registrar of Cooperative Societies, Nampally, Hyderabad.

7 The Registrar, A.P. Administrative Tribunal, Hyderabad.

8 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

9 2 CD copies

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